

Appl. No.: 10/585,431
Amdt. dated 07/27/2010
Reply to Office action of 05/14/2010

REMARKS/ARGUMENTS

In view of the foregoing amendments and remarks, favorable reconsideration of the pending claims is respectfully requested.

Status of the Claims

Claims 1-2 and 4 have been cancelled. Claims 3 and 5-13 have been amended to depend, either directly or indirectly, on independent Claim 14.

Claim 14 has been amended to further clarify that the invention is directed to a method a method of reducing mycotoxin bioavailability in humans or animals, when a food liable to be contaminated with said mycotoxin is ingested, by administering to said human or animal of micronized plant fibers essentially insoluble in the form of microparticles, at least 90% by weight of said microparticles being less than 700 in size.

The expression “complete food” is deleted from claim 13 which now only mentions the “daily food intake” of animals.

New Claim 21 has been added.

Applicants respectfully submit that the amendments are supported by the written description, and in particular, by the claims as previously filed. No new matter has been added.

Rejections Under 35 USC § 112

Claim 1 has been rejected under 35 USC § 112 because it is considered that the type of foods encompassed by “food liable to be contaminated with said mycotoxin” are not defined. Claim 1 has been cancelled. However, Claim 14 has been amended to include this recitation and therefore, this rejection is addressed herein. Applicants respectfully disagree with the Examiner that this recitation is indefinite. In the present case, it is readily apparent from the specification that a variety of foods may be contaminated by mycotoxins and that the method as claimed is adapted to reducing mycotoxin bioavailability **in any kind of foods without limitation**. As such, Applicants submit that the one of ordinary skill in the art would recognize what is encompassed by the recitation and therefore the claim is definite. Withdrawal of this rejection is respectfully requested.

The above amendments to Claims 12 and 13 overcome objections raised against these claims.

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Prior Art Rejections

As newly drafted, the claimed invention is directed a method of reducing mycotoxin bioavailability using insoluble micronized plant fibers in the form of microparticles, at least 90% by weight of which are less than 700 µm in size.

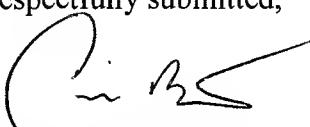
This invention lays on the newly identified and experimentally demonstrated activity of said micronized plant fibers to adsorb mycotoxin.

As emphasized by Examiner, this activity is neither disclosed nor suggested in cited prior art including GB 2 013 077 (Molinie), article of Chen *et al.* (Am J Clin Nutr (1998) vol. 68, p.711-719) and JP 05-304915 (Suzuki).

Given the above, the method of amended claim 14 is new and not obvious in view of the teaching of cited prior art. Withdrawal of these rejections is requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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